ARTICLE 46-03

CALCULATION OF A REGULAR RATE AND OVERTIME

Chapter
46-03-01   Calculation of a Regular Rate and Overtime

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Section
46-03-01-01   Formulas for Determining Regular Rate and Overtime

46-03-01-01. Formulas for determining regular rate and overtime.

1. Determining overtime from an hourly rate:

    ```
    Hourly rate x 1.5 = Overtime hourly rate of pay

    Overtime hourly     Number of hours worked      Amount of
     rate of pay     x   in excess of 40      =   overtime due
    ```

2. Determining hourly rate and overtime from monthly salary:

    ```
    Monthly salary x 12= Weekly salary
            52

    Weekly salary      = Rate per hour
    Total hours worked
    during that week

    To calculate overtime from this:

    Rate                    Number of hours worked    Amount of
    per hour  x  1/2   x   in excess of 40     =   overtime due
    ```

3. Determining hourly rate and overtime for retail employees paid principally from commissions:

    ```
    Total compensation for one week          Regular rate
    Total hours worked for that same week  =    of pay
    ```

4. Weighted average method of overtime: When an employee performs two jobs for the same employer, with each job having a different rate of pay, the method of computing overtime is as follows:

    ```
    Job 1:  Rate of pay x Number of hours = Compensation

    Job 2:  Rate of pay x Number of hours= Compensation
                          Total hours     = Total compensation

    Total compensation = Average per hour
      Total hours
    ```

```
Average per hour   = Rate of overtime
     1/2


The rate of overtime multiplied by the number of overtime
hours (hours in excess of 40) is the total overtime due.
```

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General Authority: NDCC 28-32-02(1), 34-06-04
Law Implemented: NDCC 34-06-11, 34-06-12